

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DAYS INNS WORLDWIDE, INC., a
Delaware Corporation,

Plaintiff,

v.

5 STAR, INC., an Idaho Corporation,
JASWINDER LAL, an individual,
GURDEEP KAUR, an individual, and JOHN
BANGA, an individual,

Defendants.

ORDER

Civ. No. 09-1009 (WHW)

Walls, Senior District Judge

M.J. Arleo, by her November 17, 2011 report, recommends that the Court strike the August 24, 2009 Answer and Counterclaims by defendants Jaswinder Lal, Gurdeep Kaur, and Jhon Banga (improperly pled as “John Banaa”), direct that the Clerk enter default against these defendants, and allow the plaintiff to proceed to judgment by default.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge” and must “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). See L. Civ. R. 72.1(c)(2). No objections have been raised to the November 17, 2011 Report and Recommendation.

After review of the report and the record, the Court finds that the November 17, 2011 Report and Recommendation documents the consistent and repeated failure of pro se defendants

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Jaswinder Lal, Gurdeep Kaur, and Jhon Banga to appear when required and otherwise comply with the Magistrate Judge's orders. Applying the six-factor test established by the Third Circuit in Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863, 868 (3d Cir. 1984), the Report and Recommendation concludes that the appropriate sanction for this conduct would be to strike the August 24, 2009 Answer and Counterclaims by these three pro se defendants and direct the Clerk to enter default against them. The Court adopts the November 17, 2011 Report and Recommendation and imposes the recommended sanction.

It is, on this 12th day of January, 2012:

ORDERED that the Answer and Counterclaims of defendants Jaswinder Lal, Gurdeep Kaur, and Jhon Banga (ECF Doc. No. 14) are stricken; and

ORDERED that the Clerk of Court shall enter default against defendants Jaswinder Lal, Gurdeep Kaur, and Jhon Banga.

/s/ William H. Walls

United States Senior District Judge